

REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 09, 2025

SUBJECT: **New *Fire Safety Act* Service**

ISSUE SUMMARY

To obtain direction from the Capital Regional District (CRD) Board to commence a new *Fire Safety Act* (FSA) service for the purpose of delivering building fire safety inspection and fire cause determination investigation services throughout the electoral areas, as required by the new FSA.

BACKGROUND

The FSA, was brought into force as of August 1, 2024, superseding and replacing the *Fire Services Act*. The FSA obliges regional districts to provide fire investigation and fire safety inspection services throughout the electoral areas (see Appendix A). This includes the unincorporated electoral area lands outside of current fire protection areas.

Through the former *Fire Services Act*, fire investigations were completed by a Local Assistant to the Fire Commissioner (LAFC) as designated by the Office of the Fire Commissioner (OFC). Most CRD fire chiefs were former LAFCs; therefore, the conduct of investigations is not a new activity within the established fire service areas.

Under the FSA, designated fire investigators will conduct fire cause determination investigations for structures, vehicles and other reportable fire loss incidents as they occur throughout the electoral areas. Fire Safety Advisors from the OFC will assist regional districts with investigations upon request in situations where there is limited expertise, insufficient capacity and funding constraints.

Building fire safety inspections are a new activity to regional districts. Per Appendix B - *Fire Safety Act* - Questions and Answers, a regional district will operate within a reactive (complaint-based or owner-requested) inspection framework. The FSA requires a regional district to inspect both private dwellings and public buildings located throughout the electoral areas upon request by an owner or occupant.

By comparison, the FSA requires municipalities to deliver proactive risk-based compliance monitoring inspection services, which are a higher level of building fire safety inspection service than is currently required for a regional district.

A new service is required for the CRD to deliver inspection and fire cause determination investigation services throughout the electoral areas. There is currently no funding capacity available to assign designated inspectors and investigators, or engage contractors, to meet the regulatory requirements of the FSA.

Service Levels

The FSA requires a regional district to provide inspection services throughout the electoral areas. Where a regional district cannot, it may request the OFC provide such inspection services at no cost.

While the inspection and investigation model is reactive and not pro-active, the established fire service areas of Salt Spring Island, Pender Island, and Otter Point are interested in delivering a higher level of inspection service, both in response to owner requests and in response to what inspectors believe is advisable for the types of buildings and structures in their service areas. A policy will need to be developed to include the inspection procedures and anticipated service levels within areas of the regional district.

Funding Methodology

As of May 29, 2025, the Province amended the *Local Government Act* to enable a regional district to operate a service for fire safety inspections and fire investigations without an establishing bylaw.

The Board is required to establish an apportionment method for investigation and inspection costs in electoral areas. Staff recommend using the standard method based on converted assessment. While alternative methods are available, staff suggest starting with this approach due to service uncertainty. After implementation, staff will report back with data and recommendations for managing variable service levels for each EA.

Additionally, staff continue to consider whether a regional district may adopt a cost recovery bylaw for the delivery of these fire inspection and fire investigation services.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That the Capital Regional District operate a service for fire inspection and fire investigation in the electoral areas pursuant to s. 338(2)(j) of the *Local Government Act*, to meet the requirements of the *Fire Safety Act*;
2. That staff prepare a draft 2026 budget for a new *Fire Safety Act* service;
3. That staff consider options for cost recovery for fire inspections and fire investigations;
4. That staff prepare a policy describing inspection procedures and service delivery levels.

Alternative 2

That this report be referred to staff for additional information based on Electoral Areas Committee direction.

IMPLICATIONS

Financial Implications

As the CRD will be delivering enhanced fire inspection and investigation services, a financial cost impact to the regional district is anticipated. Although regional districts may request that the OFC provide investigators or inspectors when internal resources are insufficient, staff recommend establishing a requisition-based service for the CRD due to its size and operational complexity, with matters beyond the regular fire service areas referred to the OFC.

It may be possible to recover costs associated with the delivery of inspection and investigation services, with the intent of offsetting any annual requisition for a new *FSA* service. Given the nature of the service, staff continue to investigate and will report back with a draft fee and charge bylaw in future if legally permissible.

Service Delivery Implications

The delivery of fire cause determination investigation services outside of established local fire services areas, and delivery of building fire safety inspection services throughout the electoral areas, are both new requirements. A new service is required to enable delivery of these services on an as and when needed basis throughout the electoral areas.

Upon request from a regional district, the OFC fire service advisors may conduct fire inspections and fire investigations for the regional district due to limited expertise, insufficient capacity and funding constraints.

The *FSA* does permit inspectors to take steps to inspect on receipt of a complaint or where “deemed advisable”. This is not a positive obligation to inspect. Should any fire service areas believe it advisable to conduct inspections, service levels will need to be set through discussion which may have cost implications.

Intergovernmental Implications – Improvement Districts

For purposes of the *FSA*, the delivery of inspection and investigation activities fall within the authority of the regional district and include the three electoral areas, and the fire improvement districts of Salt Spring Island, Mayne Island, and Piers Island.

CONCLUSION

The *Fire Safety Act* requires a regional district to conduct building fire safety inspections and fire cause determination investigations throughout the electoral areas. The *Local Government Act* enables a regional district to commence and requisition for a new service without an establishing bylaw. Staff will continue to review whether it is permissible to mandate fees or charges for these services. A corporate policy will be required to set procedures and service levels.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That the Capital Regional District operate a service for fire inspection and fire investigation in the electoral areas pursuant to s. 338(2)(j) of the *Local Government Act*, to meet the requirements of the *Fire Safety Act*;
2. That staff prepare a draft 2026 budget for a new *Fire Safety Act* service;
3. That staff consider options for cost recovery for fire inspections and fire investigations; and
4. That staff prepare a policy describing inspection procedures and service delivery levels.

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ATTACHMENTS

Appendix A: *Fire Safety Act*: Regional District Fire Inspection and Fire Investigation Procedures (Revised May 14, 2025)

Appendix B: *Fire Safety Act*: Questions and Answers (Revised: April 15, 2025)